

El Paso County - County Court at Law 6

Filed 10/1/2021 12:41 PM  
Norma Favela Barceleau  
District Clerk  
El Paso County  
2021DCV3497

IN THE \_\_\_\_\_ JUDICIAL DISTRICT COURT  
OF EL PASO COUNTY, TEXAS

CHRIS BRANDON GARCIA,

Plaintiff,

v.

MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND,

Defendants.

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Cause No. 2021DCV \_\_\_\_\_

**PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES CHRIS BRANDON GARCIA (hereinafter referred to as "Plaintiff"),  
complaining of MARQUIS DEQUAN MONDAY (hereinafter referred to as Defendant  
"MONDAY") and C.R. ENGLAND (hereinafter referred to as Defendant "ENGLAND") and for  
a cause of action would respectfully show the Court as follows:

**I. DISCOVERY CONTROL PLAN LEVEL**

Pursuant to Rule 190, discovery in this case will be conducted in Level 3.

**II. PARTIES AND SERVICE**

Plaintiff is a resident of El Paso County, Texas and the last three numbers of Plaintiff  
CHRIS BRANDON GARCIA's driver's license are 063.

Defendant MONDAY is a resident of Brunswick County, Georgia and may be served with  
process by serving him at 66 Hornet Dr., Brunswick, Georgia 31525 and/or wherever he may be  
found.



Defendant ENGLAND is a business entity of unknown form doing business in El Paso County, Texas and may be served with process at 4701 2100 S., Salt Lake City, Utah 84120 and/or wherever they may be found.

### **III. JURISDICTION AND VENUE**

1. The subject matter in controversy is within the jurisdictional limits of this court.
2. This court has jurisdiction over the parties because Plaintiff is a Texas resident.
3. Venue in EL PASO County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this County.

### **IV. FACTS**

The injuries and damages suffered by Plaintiff and made the basis of this action arose out of an occurrence on or about March 11, 2020, in El Paso County, Texas. At such time and place, Plaintiff was parked on the 500 block of Bataan Cir., in El Paso, Texas. Defendant MONDAY, while driving in the course and scope of his employment with Defendant ENGLAND, was traveling Northbound on the 500 block Bataan Cir., when suddenly and without warning, Defendant MONDAY violently collided into Plaintiff's vehicle dragging him and causing Plaintiff's car to strike multiple other parked vehicles. Said occurrence caused serious bodily injuries to Plaintiff's person and significant property damage of Plaintiff's vehicle.

### **V. CAUSES OF ACTION**

#### **A. NEGLIGENCE – DEFENDANT MONDAY**

Defendant MONDAY owed a reasonable degree of care to Plaintiff. Plaintiff alleges that the collision and Plaintiff's damages were proximately caused by the negligence of Defendant

arising from one or more of the following alternative theories of negligence:

1. Failure to drive in a single lane.
2. Driving reckless in violation of Tex. Transp. Code Ann. § 545.401.
3. Failure to use due care in operating a motor vehicle of Tex. Trans. Code §545.351.
4. Failure to keep a proper lookout in violation of Tex. Transp. Code Ann §545.351.
5. Failure to safely apply brakes to avoid an incident.
6. Failure to turn to the left to avoid a collision.
7. Failure to warn of his approach.
8. Failure to pay attention.
9. Failure to take proper evasive action.
10. Failure to use due care and caution under the circumstances then existing.
11. Other acts of negligence.

Each of which acts, or omissions was other than what a reasonable and prudent person would have been doing under the same or similar circumstances. Each of which acts, or omissions was a proximate cause of Plaintiff's damages.

**B. NEGLIGENCE PER SE – DEFENDANT MONDAY**

Said collision and Plaintiff's damages were proximately caused by Defendant's violations of the laws of the State of Texas and of the United States of America constituting negligence per se. At the time of the motor vehicle collision, Defendant MONDAY was operating his vehicle in violation of Texas Transportation Law. Specifically, Defendant MONDAY violated the following provisions of Texas Transportation Law:

1. Failure to drive in a single lane.
2. Driving reckless in violation of Tex. Transp. Code Ann. § 545.401.
3. Failure to use due care in operating a motor vehicle of Tex. Trans. Code §545.351.
4. Failure to keep a proper lookout in violation of Tex. Transp. Code Ann §545.351.
5. Failure to safely apply brakes to avoid an incident.
6. Failure to turn to the left to avoid a collision.
7. Failure to warn of his approach.
8. Failure to pay attention.
9. Failure to take proper evasive action.
10. Failure to use due care and caution under the circumstances then existing.
11. Other acts of negligence.

Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor vehicle collision and consequently the injuries and damages of Plaintiffs.

**C. RESPONDEAT SUPERIOR – DEFENDANT C.R. ENGLAND.**

At all times relevant to this action, Defendant MONDAY was in the course and scope of his employment and/or agency with Defendant ENGLAND, thereby making Defendant ENGLAND, vicariously liable under the doctrine of *respondeat superior* for the negligent acts of Defendant MONDAY, described above which singularly or in combination proximately caused the motor vehicle collision and resulting injuries and damages of Plaintiff.

Plaintiffs hereby assert the theory of *respondeat superior* of Defendant ENGLAND and its liability for the negligent and reckless conduct of Defendant MONDAY and/or other employees/agents acting within the course and scope of their employment and/or agency.

Said collision and Plaintiff's damages described above were proximately caused by Defendant ENGLAND's employee/agent's violation of the laws of the State of Texas and of the United States of America, constituting negligence per se. As a result of said negligence described above that proximately caused Plaintiff's damages, Defendant ENGLAND and Defendant MONDAY are liable to Plaintiff.

**D. NEGLIGENCE, HIRING, QUALIFYING, SUPERVISION, ENTRUSTMENT, TRAINING, AND RETENTION – DEFENDANT C.R. ENGLAND.**

At all times relevant to this action, Defendant ENGLAND had certain duties, including those imposed by regulations and other industry standards and practices, in connection with hiring, qualifying, training, entrusting, supervising, and retaining Defendant MONDAY. Defendant ENGLAND was negligent in failing to take reasonable steps to ensure that these duties were met. As a proximate result of their negligence, Plaintiff CHRIS BRANDON GARCIA suffered personal

injuries, arising from one or more of the following alternative theories of negligence:

- a. Failing to qualify its drivers as required by the Federal Motor Carrier Safety Act.
- b. That on March 11, 2020, Defendant, ENGLAND was negligent by entrusting the control and operation of the commercial motor vehicle, which was under its control, to Defendant, MONDAY.
- c. Allowing Defendant, MONDAY to operate its vehicle on the public streets of El Paso County, Texas, and in particular at the location referred to above, when it knew or should have known that Defendant, MONDAY was unfit and unskilled to operate the vehicle.
- d. Failing to properly train, supervise and educate its drivers.
- e. Failing to properly screen its applicants for driver certification.
- f. Failing to comply with the U.S. Department of Transportation rules and regulations for commercial drivers in permitting Defendant, MONDAY to drive.
- g. Failing to establish and enforce reasonable rules and regulations for qualifying persons to operate its commercial vehicles.
- h. Failure to adequately communicate orders, instructions and directions.
- i. Failure to qualify its drivers in accordance with the Federal Motors Carriers Safety Act.
- j. Other acts of negligence that may be established through discovery in the case.

## **VI. DAMAGES**

As a direct and proximate result of the occurrence, Plaintiff suffered bodily injuries. As a further result of the occurrence, Plaintiff has incurred expenses for medical care, attention, and other expenses. These expenses incurred were necessary for the care and treatment of the injuries sustained by Plaintiff, and the charges made and to be made were the usual and customary charges for such services. Plaintiff will require further medical care and attention and will necessarily incur reasonable expenses in the future for such medical needs.

Plaintiff has suffered physical pain and suffering in the past and will continue to suffer physical pain and suffering in the future. Plaintiff has suffered mental pain and anguish in the past and will continue to suffer mental pain and anguish in the future. As a further result of the occurrence, Plaintiff has suffered emotional distress in the past and will continue to suffer emotional distress in the future. As a result of the occurrence, Plaintiff has suffered and will continue to suffer impairment to his body. Plaintiff has suffered damages within the jurisdictional

limits of this Court and requests monetary relief over \$200,000.00 but not to exceed \$1,000,000.00.

#### **VII. DAMAGES TO PERSONAL PROPERTY**

Plaintiff would show that as a direct and proximate result of Defendants' negligence, and each of them, Plaintiff CHRIS BRANDON GARCIA's vehicle was damaged. Plaintiff CHRIS BRANDON GARCIA seeks compensation for his property damage, as well as compensation for the loss of use of his vehicle and compensation for the diminished value of his vehicle.

#### **VIII. PUNITIVE DAMAGES**

Plaintiffs will show that the acts and omissions of Defendants', and each of them, as set forth above was in heedless and reckless disregard for the rights and safety of Plaintiff and showed actual conscious indifference and conscious disregard for the rights and safety of Plaintiff so as to constitute gross negligence and/or malice being a proximate cause of the occurrence and the resulting damages and injuries sustained by Plaintiff. Plaintiff is entitled to punitive damages.

#### **X. PRAYER**

**WHEREFORE PREMISES CONSIDERED**, Plaintiff prays that Defendants be cited to appear and answer, and that on final trial, Plaintiff has judgment against Defendants for all relief requested, for costs, pre-judgment and post judgment interest and for such other relief, general and special, at law or in equity, to which Plaintiff is entitled.

**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY**

Respectfully submitted,

**VICTOR J. BIEGANOWSKI, P.C.**

801 Myrtle Ave., Suite 100

El Paso, Texas 79901

T: 915-264-1800

F: 915-759-4007

[vbieganowski@vjblaw.net](mailto:vbieganowski@vjblaw.net)

By: /s/ Victor J. Bieganowski

**VICTOR J. BIEGANOWSKI**

State Bar No. 02301100

*Attorney for Plaintiff*



Server C. AulDate 10-7-21 Time 3:00 PM

P/S

ANDERSON INVESTIGATIONS, INC #P101391  
P.O. BOX 535, SLC, UT 84110 877-619-1110**THE STATE OF TEXAS**

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org"

TO: C.R. ENGLAND, who may be served with process at 4701-2400 S. Salt Lake City, Utah 84120 or wherever he/she may be found

15 W. S. Temple #600  
CSC RA

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **County Court at Law Number 6**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 1<sup>st</sup> day of October, 2021, by Attorney at Law, VICTOR J BIEGANOWSKI, 801 MYRTLE AVE STE 100 EL PASO TX 79901 in this case numbered **2021DCV3497** on the docket of said court, and styled:

**CHRIS BRANDON GARCIA**  
**VS**  
**MARQUIS DEQUAN MONDAY AND C.R. ENGLAND**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 6<sup>th</sup> day of October, 2021

CLERK OF THE COURT

**NORMA FAVELA BARCELEAU**  
District Clerk  
El Paso County Courthouse  
500 E. San Antonio Ave, RM 103  
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk  
El Paso County, Texas

By K. Henry, Deputy  
Kia-Dre Henry

Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."



**RETURN**

Came on hand on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M., and executed in \_\_\_\_\_ County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the Plaintiff's Original Petition, at the following times and places, to-wit:

NAME	DATE			TIME			Place, and Course and Distance From Court House
	MONTH	DAY	YEAR	Hour	Min.	.M.	

And not executed as to the defendant, \_\_\_\_\_

The diligence used in finding said defendant, being \_\_\_\_\_

And the cause of failure to execute this process is: \_\_\_\_\_

And the information received as to the whereabouts of the said defendant, being \_\_\_\_\_

FEES—SERVING \_\_\_\_\_ copy \_\_\_\_\_ \$ \_\_\_\_\_ Sheriff

\_\_\_\_\_ County, Texas

Total \_\_\_\_\_ \$ \_\_\_\_\_ by \_\_\_\_\_ Deputy

**CERTIFICATE OF DELIVERY**

I do hereby certify that I delivered to \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m. this copy of this instrument.

\_\_\_\_\_, Sheriff/Agent  
\_\_\_\_\_, County, Texas  
By \_\_\_\_\_, Deputy/Agent

**SUBSCRIBED AND SWORN TO BEFORE ME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

(SEAL)

\_\_\_\_\_  
**NOTARY PUBLIC, STATE OF TEXAS**

## IN THE COUNTY COURT AT LAW NUMBER SIX

## EL PASO COUNTY, TEXAS

CHRIS BRANDON GARCIA

Plaintiff,

v.

MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND

Defendants.

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Cause No. 2021DCV3497

DEFENDANT C.R. ENGLAND'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW** C.R. ENGLAND, a Defendant in the above-entitled and numbered cause, and files its Original Answer in reply to Plaintiff's Original Petition, and for answer says:

## I.

Pursuant to Tex. R. Civ. P. 92, Defendant enters its general denial as to Plaintiff's Petition and demands strict proof thereof.

## II.

With regard to any allegations of negligence *per se*, Defendant would show that Defendants' alleged acts or omissions were excused, as that term is defined and understood by law.

## III.

Alternatively, Defendant would show the occurrence in question was an unavoidable accident, as that term is defined and understood by law.

## IV.

Defendant would show that all or part of Plaintiff's claims are barred by Tex. Civ. Prac. &

Rem. Code Ann. §41.0105 since Plaintiff may only recover medical expenses actually paid or incurred.

V.

Defendant would show that all or part of Plaintiff's alleged claims are barred by Tex. Civ. Prac. & Rem. Code Ann. § 18.091, since any evidence of wages or economic damages must be presented in an after-tax format.

VI.

Defendant would show that Plaintiff has failed to mitigate his alleged damages and injuries, if any, as that term is defined and understood by law.

VII.

Pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 72.054 *et seq.*, Defendant stipulates that Defendant Marquis Dequan Monday was Defendant's employee and was in the course and scope of his employment at the time of the alleged 3/11/20 occurrence in question.

VIII.

Defendant requests trial by jury and reserves the right to amend.

**WHEREFORE, PREMISES CONSIDERED,** Defendant prays that upon final hearing that it be discharged and allowed to go hence without day and with its costs and that the Court grant Defendant such other and further relief, general or special, legal or equitable, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS  
SAFI, PAXSON & GALATZAN, P.C.**  
P.O. Drawer 1977  
El Paso, Texas 79999-1977  
Phone: (915) 532-2000  
Fax: (915) 541-1597  
E-Mail: [vereen@mgmsg.com](mailto:vereen@mgmsg.com)

By: 

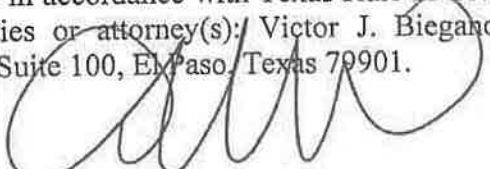
**Darryl S. Vereen**

State Bar No. 00785148

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Darryl S. Vereen**, hereby certify that on the 18 day of October, 2021, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Victor J. Bieganski, Esq., [vbieganski@vjblaw.net](mailto:vbieganski@vjblaw.net), 801 Myrtle Ave., Suite 100, El Paso, Texas 79901.

  
**Darryl S. Vereen**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Isabel Olivares on behalf of Darryl Vereen  
 Bar No. 00785148  
 iolivares@mgmsg.com  
 Envelope ID: 58300393  
 Status as of 10/19/2021 10:31 AM MST

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	10/18/2021 5:33:48 PM	SENT

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S. Vereen		vereen@mgmsg.com	10/18/2021 5:33:48 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	10/18/2021 5:33:48 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	10/18/2021 5:33:48 PM	SENT

## IN THE COUNTY COURT AT LAW NUMBER SIX

## EL PASO COUNTY, TEXAS

CHRIS BRANDON GARCIA

Plaintiff,

v.

MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND

Defendants.

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Cause No. 2021DCV3497

**DEFENDANT C.R. ENGLAND'S MOTION FOR BIFURCATED TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW** C.R. ENGLAND, a Defendant in the above-entitled and captioned cause, and submits its Motion for Bifurcated Trial and respectfully shows the Court as follows:

## I.

This is personal injury case arising out of a motor vehicle accident. The action was filed on 10/1/2021. Plaintiff's Original Petition alleges various acts of independent negligence against Defendant arising out of the hiring and retention of their driver Marquis Dequan Monday, among other claims.

## II.

Pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 72.051 *et seq.*, Defendant timely requests a bifurcated trial on the issue of Defendants' direct liability and exemplary damages, together with all statutory limitations on evidence that may be admissible. Defendant further requests a bifurcated trial on the amount of any alleged exemplary damages pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 41.009.

**WHEREFORE, PREMISES CONSIDERED,** Defendant respectfully prays this matter be set for hearing, with notice to all parties, that upon final hearing the Court grant this motion, order a bifurcated trial as requested herein, and grant Defendant such other and further relief, general or special, legal or equitable, to which Defendant may show itself justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS  
SAFI, PAXSON & GALATZAN, P.C.**  
P.O. Drawer 1977  
El Paso, Texas 79999-1977  
Phone: (915) 532-2000  
Fax: (915) 541-1597  
E-Mail: [vereen@mgmsg.com](mailto:vereen@mgmsg.com)

By: 

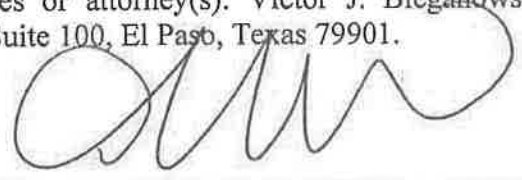
**Darryl S. Vereen**

State Bar No. 00785148

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Darryl S. Vereen**, hereby certify that on the 18 day of October, 2021, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Victor J. Bieganowski, Esq., [vbieganowski@vjblaw.net](mailto:vbieganowski@vjblaw.net), 801 Myrtle Ave., Suite 100, El Paso, Texas 79901.

  
**Darryl S. Vereen**



IN THE COUNTY COURT AT LAW NUMBER SIX

EL PASO COUNTY, TEXAS

CHRIS BRANDON GARCIA

Plaintiff,

v.

MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND

Defendants.

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Cause No. 2021DCV3497

**ORDER ON DEFENDANT C.R. ENGLAND'S**  
**MOTION FOR BIFURCATED TRIAL**

**CAME ON TO BE CONSIDERED** Defendant C.R. ENGLAND'S Motion for Bifurcated Trial in the above-entitled and numbered cause, and the Court, after reviewing the pleadings and hearing the arguments of counsel, finds that Defendant's Motion should be **GRANTED**.

**IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED** that Defendant's Motion for Bifurcated Trial is GRANTED, and that the issues concerning the Defendant's liability, vicarious liability, admission of evidence and the amount and liability for exemplary damages be tried separately, pursuant to Tex. Civ. Prac. & Rem. Code Ann. §§ 41.009, 72.051 *et seq.*

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Hon. M. Sue Kurita  
Judge, County Court at Law 6

**APPROVED:**

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**Victor J. Bieganowski**  
Attorney for Plaintiff

---

**Darryl S. Vereen**  
Attorney for Defendant

**Automated Certificate of eService**

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Isabel Olivares on behalf of Darryl Vereen  
 Bar No. 00785148  
 iolivares@mgmsg.com  
 Envelope ID: 58300721  
 Status as of 10/19/2021 10:31 AM MST

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	10/18/2021 5:36:54 PM	SENT

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	10/18/2021 5:36:54 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	10/18/2021 5:36:54 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	10/18/2021 5:36:54 PM	SENT

IN THE COUNTY COURT AT LAW NUMBER SIX

EL PASO COUNTY, TEXAS

CHRIS BRANDON GARCIA

Plaintiff,

v.

MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND

Defendants.

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Cause No. 2021DCV3497

ENTRY OF APPEARANCE

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW**, Cal Mundell of the law firm of Mounce, Green, Myers, Safi, Paxson & Galatzan, a Professional Corporation, and makes this entry of appearance as co-counsel for Defendant C.R. England. The undersigned respectfully requests that all further notices, pleadings, correspondence, communications, and filed documents be forwarded to his attention.

Respectfully submitted,

**MOUNCE, GREEN, MYERS  
SAFI, PAXSON & GALATZAN, P.C.**  
P.O. Drawer 1977  
El Paso, Texas 79999-1977  
Phone: (915) 532-2000  
Fax: (915) 541-1597  
E-Mail: [mundell@mgmsg.com](mailto:mundell@mgmsg.com)

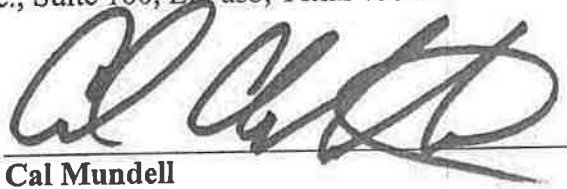
By:

  
**Cal Mundell**  
State Bar No. 24109059

Attorneys for Defendant C.R. England

**CERTIFICATE OF SERVICE**

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Cal Mundell**, hereby certify that on the 9 day of November, 2021, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Victor J. Bieganowski, Esq., [vbieganowski@vjblaw.net](mailto:vbieganowski@vjblaw.net), 801 Myrtle Ave., Suite 100, El Paso, Texas 79901.



Cal Mundell

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Estella Wilcox on behalf of Cal Mundell  
 Bar No. 24109059  
 ewilcox@mgmsg.com  
 Envelope ID: 59017182  
 Status as of 11/10/2021 4:50 PM MST

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	11/9/2021 5:14:41 PM	SENT

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	11/9/2021 5:14:41 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	11/9/2021 5:14:41 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	11/9/2021 5:14:41 PM	SENT
Esequiel Contreras		econtreras@mgmsg.com	11/9/2021 5:14:41 PM	SENT
Terry Silva		tsilva@mgmsg.com	11/9/2021 5:14:41 PM	SENT
Stella Wilcox		ewilcox@mgmsg.com	11/9/2021 5:14:41 PM	ERROR
Cal Mundell		mundell@mgmsg.com	11/9/2021 5:14:41 PM	SENT





Respectfully submitted,

**VICTOR J. BIEGANOWSKI, P.C.**

801 Myrtle Ave., Suite 100

El Paso, Texas 79901

[vbieganowski@vjblaw.net](mailto:vbieganowski@vjblaw.net)

(915) 264-1800

(915) 759-4007 Facsimile

/s/ Victor J. Bieganowski

**VICTOR J. BIEGANOWSKI**

State Bar No. 02301100

**CERTIFICATE OF SERVICE**

In compliance with the Texas Rule of Civil Procedure 21a(e), I, **VICTOR J. BIEGANOWSKI**, certify that on this 9<sup>th</sup> day of **November, 2021**, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21(f)(1), is served on the party or attorney electronically pursuant to Texas Rule of Civil Procedure 21a(a)(1), or if the email address of the party or attorney is not on file with the electronic filing manager, then service is accomplished pursuant to Texas Rule of Procedure 21a(a)(2). The following parties or attorney are served with the foregoing document:

Darryl S. Vereen  
Mounce, Green, Myers,  
Safi, Paxson & Galatzan  
100 N Stanton #1000  
El Paso, Texas 79901  
TEL: 915-532-2000  
FAX: 915-541-1597  
[vereen@mgmsg.com](mailto:vereen@mgmsg.com)  
*Attorney for Defendant*  
*C.R. England*

/s/ Victor J. Bieganowski

**VICTOR J. BIEGANOWSKI**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 59003817

Status as of 11/10/2021 11:04 AM MST

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	11/9/2021 2:08:34 PM	SENT

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	11/9/2021 2:08:34 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	11/9/2021 2:08:34 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	11/9/2021 2:08:34 PM	SENT

## IN THE COUNTY COURT AT LAW NUMBER SIX

## EL PASO COUNTY, TEXAS

CHRIS BRANDON GARCIA

Plaintiff,

v.

MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND

Defendants.

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Cause No. 2021DCV3497

**CERTIFICATE OF WRITTEN DISCOVERY**

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW**, C.R. ENGLAND, a Defendant in the above-entitled and numbered cause, and submits its Certificate of Written Discovery regarding the following written discovery responses:

1. Defendant C.R. England's Initial Disclosures.

**WHEREFORE PREMISES CONSIDERED**, Defendant respectfully pray that the Court and all Parties take notice of the above and foregoing Certificate, and service of the above-referenced discovery responses, and that the Defendant be granted such other and further relief, general or special, legal or equitable, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS,  
SAFI, PAXSON & GALATZAN, P.C.**

P.O. Drawer 1977

El Paso, Texas 79999-1977

Phone: (915) 532-2000

Fax: (915) 541-1597

E-Mail: [vereen@mgmgs.com](mailto:vereen@mgmgs.com)

E-Mail: [mundell@mgmgs.com](mailto:mundell@mgmgs.com)

By: 

**Darryl S. Vereen**

State Bar No. 00785148

**Cal Mundell**

State Bar No. 24109059

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Cal Mundell**, hereby certify that on the 13 day of November, 2021, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Victor J. Bieganowski, Esq., [vbieganowski@vjblaw.net](mailto:vbieganowski@vjblaw.net), 801 Myrtle Ave., Suite 100, El Paso, Texas 79901.

  
**Cal Mundell**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Yolie Pearson on behalf of Cal Mundell  
 Bar No. 24109059  
 ypearson@mgmsg.com  
 Envelope ID: 59308967  
 Status as of 11/18/2021 3:27 PM MST

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	11/18/2021 3:09:20 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	11/18/2021 3:09:20 PM	SENT
Stella Wilcox		ewilcox@mgmsg.com	11/18/2021 3:09:20 PM	ERROR
Cal Mundell		mundell@mgmsg.com	11/18/2021 3:09:20 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	11/18/2021 3:09:20 PM	SENT

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	11/18/2021 3:09:20 PM	SENT

## IN THE COUNTY COURT AT LAW NUMBER SIX

## EL PASO COUNTY, TEXAS

CHRIS BRANDON GARCIA,

Plaintiff,

v.

MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND,

Defendants.

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Cause No. 2021DCV3497

**DEFENDANT'S SPECIAL EXCEPTIONS TO  
PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

**COME NOW**, C.R. ENGLAND, a Defendant in the above-entitled and captioned cause, specially excepting to Plaintiff's Original Petition, and would respectfully show the Court as follows:

**I.**

Defendant specially excepts to Paragraphs V(A)(11), V(B)(11) and V(D)(j) to Plaintiff's Original Petition to the extent that it alleges "other acts of negligence." Such vague and imprecise pleading fails to put Defendant on fair notice as to what acts or omissions will be contended to constitute negligence at trial. Defendant respectfully requests that this Court order Plaintiff to amend her Petition and list acts that she contends constitutes negligence.

**II.**

Defendant specially excepts to Paragraph V(B) to the extent that it alleges that Defendant violated "the laws of the State of Texas and of the United States of America constituting negligence per se," but fails to specify which exact laws Plaintiff is referring to. Such vague and indefinite pleading fails to put Defendant on fair notice of Plaintiff's claims as required by the Texas Rules

of Civil Procedure. Accordingly, Defendant would respectfully request the Court order Plaintiff to replead and specifically state the exact laws that he is referring to.

### III.

Defendant specially excepts to Paragraph V(D)(c) of Plaintiff's Original Petition to the extent that it alleges that Defendant Monday was "unfit and unskilled to operate the vehicle," but fails to explain how or why Defendant Monday was unfit and unskilled. Such a vague and indefinite pleading fails to put Defendant on fair notice of Plaintiff's claims as required by the Texas Rules of Civil Procedure. Accordingly, Defendant would respectfully request the Court order Plaintiff to replead and specifically state how he alleges that Defendant Monday was either unfit and/or unskilled to operate the vehicle in question.

### IV.

Defendant specially excepts to Paragraph VIII of Plaintiff's Original Petition, wherein Plaintiff vaguely alleges that Defendant committed some unspecified conduct that was grossly negligent and would justify the imposition of exemplary damages. Such vague and indefinite pleadings provide no notice whatsoever, fail to apprise the Defendant of what conduct is being referred to, by which Defendant, and in fact fails to state a cause of action for the recovery of exemplary damages. Defendant request that the Court order Plaintiff to replead, and set forth what conduct was allegedly committed by which Defendant that Plaintiff contends were grossly negligent and would justify the imposition of exemplary damages, so Defendant can have fair notice of this claim. Upon Plaintiff's failure to replead, Defendant requests this claim be stricken.

**WHEREFORE, PREMISES CONSIDERED,** Defendant respectfully prays that this Court sustain the above and foregoing Special Exceptions, order Plaintiff to specifically replead in conformity therewith, and upon Plaintiff's failure to replead, strike said offending portions of



Plaintiff's Original Petition, and grant Defendant such other and further relief, general or special, in law or in equity, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS  
SAFI, PAXSON & GALATZAN, P.C.**  
P.O. Drawer 1977  
El Paso, Texas 79999-1977  
Phone: (915) 532-2000  
Fax: (915) 541-1597  
E-Mail: [vereen@mgmsg.com](mailto:vereen@mgmsg.com)  
E-Mail: [mundell@mgmsg.com](mailto:mundell@mgmsg.com)

By: 

**Darryl S. Vereen**  
State Bar No. 00785148  
**Cal Mundell**  
State Bar No. 24109059

Attorneys for Defendant C.R. England

**CERTIFICATE OF SERVICE**

I, **Cal Mundell**, hereby certify that on the 19 day of November, 2021, a true and correct copy of the foregoing was served on the following parties or attorney(s): Victor J. Bieganowski, Esq., [vbieganowski@vjblaw.net](mailto:vbieganowski@vjblaw.net), 801 Myrtle Ave., Suite 100, El Paso, Texas 79901.

  
**Cal Mundell**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Estella Wilcox on behalf of Cal Mundell  
 Bar No. 24109059  
 ewilcox@mgmsg.com  
 Envelope ID: 59336364  
 Status as of 11/19/2021 3:37 PM MST

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganski		vbieganski@vjblaw.net	11/19/2021 11:49:46 AM	SENT

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	11/19/2021 11:49:46 AM	SENT
Yolanda Pearson		ypearson@mgmsg.com	11/19/2021 11:49:46 AM	SENT
Isabel Olivares		iolivares@mgmsg.com	11/19/2021 11:49:46 AM	SENT
Stella Wilcox		ewilcox@mgmsg.com	11/19/2021 11:49:46 AM	ERROR
Cal Mundell		mundell@mgmsg.com	11/19/2021 11:49:46 AM	SENT

## IN THE COUNTY COURT AT LAW NUMBER SIX

## EL PASO COUNTY, TEXAS

CHRIS BRANDON GARCIA,

Plaintiff,

v.

MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND,

Defendants.

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Cause No. 2021DCV3497

NOTICE OF FILING RULE 11 AGREEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

**COME NOW**, C.R. ENGLAND, a Defendant in the above-entitled and numbered cause, and would provide this their Notice of Filing Rule 11 Agreement and would show as follows:

I.

This Notice is filed pursuant to Rule 11 of the Texas Rules of Civil Procedure.

II.

Attached hereto as Exhibit 1 is a true and correct copy of a Rule 11 Agreement affecting discovery.

**WHEREFORE, PREMISES CONSIDERED**, Defendants respectfully pray that the Court and all parties take notice of the filing of the above-referenced Rule 11 agreement, and that the Court enforce the same pursuant to Texas Rules of Civil Procedure, and grant Defendants such other and further relief, general or special, legal or equitable, to which Defendants may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS  
SAFI, PAXSON & GALATZAN, P.C.**

P.O. Drawer 1977

El Paso, Texas 79999-1977

Phone: (915) 532-2000

Fax: (915) 541-1597

E-Mail: [vereen@mgmsg.com](mailto:vereen@mgmsg.com)

E-Mail: [mundell@mgmsg.com](mailto:mundell@mgmsg.com)

By: 

**Darryl S. Vereen**

State Bar No. 00785148

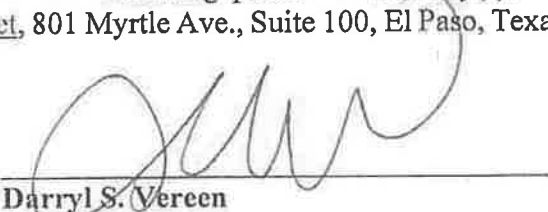
**Cal Mundell**

State Bar No. 24109059

Attorneys for Defendant C.R. England

**CERTIFICATE OF SERVICE**

I, **Darryl S. Vereen**, hereby certify that on the 6 day of December, 2021, a true and correct copy of the foregoing was served on the following parties or attorney(s): Victor J. Bieganski, Esq., [vbieganski@vjblaw.net](mailto:vbieganski@vjblaw.net), 801 Myrtle Ave., Suite 100, El Paso, Texas 79901.

  
Darryl S. Vereen

**Automated Certificate of eService**

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Isabel Olivares on behalf of Darryl Vereen  
 Bar No. 00785148  
 iolivares@mgmsg.com  
 Envelope ID: 59757688  
 Status as of 12/6/2021 3:43 PM MST

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	12/6/2021 3:36:03 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	12/6/2021 3:36:03 PM	SENT
Stella Wilcox		ewilcox@mgmsg.com	12/6/2021 3:36:03 PM	ERROR
Cal Mundell		mundell@mgmsg.com	12/6/2021 3:36:03 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	12/6/2021 3:36:03 PM	SENT

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	12/6/2021 3:36:03 PM	SENT

Darryl S. Vereen  
(915) 541-1554 direct  
[vereen@mgmstg.com](mailto:vereen@mgmstg.com)

BOARD CERTIFIED  
TEXAS BOARD OF LEGAL  
SPECIALIZATION  
PERSONAL INJURY LAW



100 North Stanton, Suite 1000  
El Paso, Texas 79901  
P.O. Box 1977  
El Paso, Texas 79999-1977  
(915) 532-2000 main  
(915) 541-1597 fax  
[www.mgmstg.com](http://www.mgmstg.com)

MOUNCE, GREEN, MYERS, SAFI, PAXSON & GALATZAN  
A PROFESSIONAL CORPORATION

December 6, 2021

Victor J. Bieganowski, Esq.  
801 Myrtle Avenue, Suite 100  
El Paso, Texas 79901

Re: *Chris Brandon Garcia vs. Marquis Dequan Monday and C.R. England*; Cause No. 2021DCV3497; In the County Court at Law 6 of El Paso County, Texas

Dear Mr. Bieganowski:

This letter will confirm your agreement to extend Defendant's time to respond and object to Plaintiff's Request for Admissions, First Set of Interrogatories and Request for Production. With your agreement, Defendant's objections and responses will be due Friday, January 7, 2022.

To confirm your agreement, please sign below and return same to our office. We will file the written agreement pursuant to Texas Rule of Civil Procedure 11.

Very truly yours,

Darryl S. Vereen

DSV/yp

Victor J. Bieganowski  
Attorney for Plaintiff

Date: 12-6-21



0010073/00112/YPEA/1649057

**ALFA International**  
The Global Legal Network  
Local Relationships Worldwide

**IN THE COUNTY COURT AT LAW NUMBER SIX  
EL PASO COUNTY, TEXAS**

CHRIS BRANDON GARCIA

§

**Plaintiff,**

vs.

§

**CAUSE NO. 2021DCV3497**

MARQUIS DEQUAN MONDAY; C.R.  
ENGLAND

§

**Defendant.**

**ORDER SETTING REMOTE HEARING**

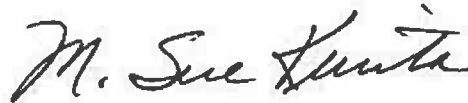
It is hereby ordered that you attend the hearing. The Court has set a **SPECIAL EXCEPTION HEARING** in the above-entitled and numbered Cause on **January 05, 2022**, at **10:00 AM**, in the **County Court at Law Number Six**, conducted remotely via **ZOOM** hearing in compliance with the Supreme Court of Texas Emergency Orders regarding Covid-19 State of Disaster. <https://txcourts.zoom.us/j/97098791758> Meeting ID: 970 9879 1758  
Please log in 5 minutes before hearing.

LOCAL COUNSEL APPEARING ON THIS CASE MUST FILE AN ENTRY OF APPEARANCE. FAILURE TO DO SO SHALL RESULT IN CANCELLATION OF HEARING.

FAILURE TO APPEAR SHALL RESULT IN A JUDGMENT OR DISMISSAL FOR WANT OF PROSECUTION OF YOUR CASE.

IF YOU REQUIRE AN INTERPRETER YOU ARE RESPONSIBLE IN CONTRACTING A FREELANCE CERTIFIED COURT INTERPRETER.

SIGNED on this the 9th day of December, 2021.



**M. SUE KURITA, JUDGE  
COUNTY COURT AT LAW NUMBER SIX**

**ZOOM INVITATION ON NEXT PAGE**



M Sue Kurita is inviting you to a scheduled Zoom meeting.

Topic: HEARINGS

Time: Jan 5, 2022 10:00 AM Mountain Time (US and Canada)

Join Zoom Meeting

<https://txcourts.zoom.us/j/97098791758>

Meeting ID: 970 9879 1758

One tap mobile

+13462487799,,97098791758# US (Houston)

+12532158782,,97098791758# US (Tacoma)

Dial by your location

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 669 900 6833 US (San Jose)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 970 9879 1758

Find your local number: <https://txcourts.zoom.us/u/abBmwLcCFH>

Join by SIP

97098791758@zoomcrc.com

Join by H.323

162.255.37.11 (US West)

162.255.36.11 (US East)

115.114.131.7 (India Mumbai)

115.114.115.7 (India Hyderabad)

213.19.144.110 (Amsterdam Netherlands)

213.244.140.110 (Germany)

103.122.166.55 (Australia Sydney)

103.122.167.55 (Australia Melbourne)

64.211.144.160 (Brazil)

69.174.57.160 (Canada Toronto)

65.39.152.160 (Canada Vancouver)

207.226.132.110 (Japan Tokyo)

149.137.24.110 (Japan Osaka)

Meeting ID: 970 9879 1758

Join by Skype for Business

<https://txcourts.zoom.us/skype/97098791758>

**Automated Certificate of eService**

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Envelope ID: 59870891

Status as of 12/9/2021 12:26 PM MST

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	12/9/2021 11:45:31 AM	SENT

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	12/9/2021 11:45:31 AM	SENT
Yolanda Pearson		ypearson@mgmsg.com	12/9/2021 11:45:31 AM	SENT
Isabel Olivares		iolivares@mgmsg.com	12/9/2021 11:45:31 AM	SENT
Cal Mundell		mundell@mgmsg.com	12/9/2021 11:45:31 AM	SENT
Mario Yague Rios	24122235	yague@mgmsg.com	12/9/2021 11:45:31 AM	SENT
Stella Wilcox		ewilcox@mgmsg.com	12/9/2021 11:45:31 AM	ERROR

## IN THE COUNTY COURT AT LAW NUMBER SIX

## EL PASO COUNTY, TEXAS

CHRIS BRANDON GARCIA

Plaintiff,

v.

MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND

Defendants.

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Cause No. 2021DCV3497

**CERTIFICATE OF WRITTEN DISCOVERY**

TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW** C.R. ENGLAND, a Defendant in the above-entitled and numbered cause, and submits its Certificate of Written Discovery regarding the following written discovery requests/responses:

1. Defendant C.R. England's Request for Disclosure to Plaintiff, served on December 10, 2021;
2. Defendant C.R. England's Interrogatories and Request for Production to Plaintiff served on December 10, 2021;
3. Defendant C.R. England First Requests for Admission to Plaintiff served on December 10, 2021; and
4. Defendant C.R. England's Objections and Responses to Plaintiff's First Set of Requests for Admission, served on December 10, 2021.

**WHEREFORE PREMISES CONSIDERED**, Defendant respectfully prays that the Court and all parties take notice of the above and foregoing Certificate, and service of the above-referenced discovery requests/responses, and that the Court grant Defendant such other and further relief, general or special, legal or equitable, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS  
SAFI, PAXSON & GALATZAN, P.C.**  
P.O. Drawer 1977  
El Paso, Texas 79999-1977  
Phone: (915) 532-2000  
Fax: (915) 541-1597  
E-Mail: [vereen@mgmsg.com](mailto:vereen@mgmsg.com)  
E-Mail: [mundell@mgmsg.com](mailto:mundell@mgmsg.com)

By: 

**Darryl S. Vereen**  
State Bar No. 00785148  
**Cal Mundell**  
State Bar No. 24109059

Attorneys for Defendant

**CERTIFICATE OF SERVICE**

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Darryl S. Vereen**, hereby certify that on the 10 day of December, 2021, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Victor J. Bieganowski, Esq., [vbieganowski@vjblaw.net](mailto:vbieganowski@vjblaw.net), 801 Myrtle Ave., Suite 100, El Paso, Texas 79901.

  
**Darryl S. Vereen**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Isabel Olivares on behalf of Darryl Vereen  
 Bar No. 00785148  
 iolivares@mgmsg.com  
 Envelope ID: 59933706  
 Status as of 12/13/2021 8:06 AM MST

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	12/10/2021 5:21:49 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	12/10/2021 5:21:49 PM	SENT
Cal Mundell		mundell@mgmsg.com	12/10/2021 5:21:49 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	12/10/2021 5:21:49 PM	SENT
Mario Yague Rios	24122235	yague@mgmsg.com	12/10/2021 5:21:49 PM	SENT
Stella Wilcox		ewilcox@mgmsg.com	12/10/2021 5:21:49 PM	ERROR

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	12/10/2021 5:21:49 PM	SENT

## EL PASO COUNTY, TEXAS

 $\gamma$ 

Defendants.

Cause No. 2021DCV3497

## NOTICE OF HEARING

**YOU ARE HEREBY** given notice that a hearing on Defendants' Special Exceptions will be held on the **5th day of January, 2022 at 10:00 a.m.** in the County Court at Law Number Three of El Paso County, Texas Via Zoom. You are invited to attend and take part as you deem necessary and proper.

Respectfully submitted,

**MOUNCE, GREEN, MYERS  
SAFI, PAXSON & GALATZAN, P.C.**  
P.O. Drawer 1977  
El Paso, Texas 79999-1977  
Phone: (915) 532-2000  
Fax: (915) 541-1597  
E-Mail: [vereen@mgmsg.com](mailto:vereen@mgmsg.com)  
E-Mail: [mundell@mgmsg.com](mailto:mundell@mgmsg.com)

By:

Darryl S. Vereen

State Bar No. 00785148

**Cal Mundell**

State Bar No. 24109059

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

In compliance with Texas Rules of Civil Procedure 21a(e), I, **Cal Mundell**, hereby certify that on the 10 day of December, 2021, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rules of Civil Procedure 21a(f) is served on the following parties or attorney(s): Victor J. Bieganowski, Esq., [vbieganowski@vjblaw.net](mailto:vbieganowski@vjblaw.net), 801 Myrtle Ave., Suite 100, El Paso, Texas 79901.

  
\_\_\_\_\_  
✶ Cal Mundell



**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Estella Wilcox on behalf of Mario Yague  
 Bar No. 24122235  
 ewilcox@mgmsg.com  
 Envelope ID: 59931659  
 Status as of 12/10/2021 4:10 PM MST

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	12/10/2021 4:07:15 PM	SENT

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	12/10/2021 4:07:15 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	12/10/2021 4:07:15 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	12/10/2021 4:07:15 PM	SENT
Mario Yague Rios	24122235	yague@mgmsg.com	12/10/2021 4:07:15 PM	SENT
Cal Mundell		mundell@mgmsg.com	12/10/2021 4:07:15 PM	SENT
Stella Wilcox		ewilcox@mgmsg.com	12/10/2021 4:07:15 PM	ERROR

**IN THE COUNTY COURT AT LAW NUMBER SIX  
EL PASO COUNTY, TEXAS**

CHRIS BRANDON GARCIA,

**Plaintiff,****v.**MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND,**Defendants.**§  
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§**Cause No. 2021DCV3497**

**PLAINTIFF'S FIRST SUPPLEMENTAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES CHRIS BRANDON GARCIA (hereinafter referred to as "Plaintiff"), complaining of MARQUIS DEQUAN MONDAY (hereinafter referred to as Defendant "MONDAY") and C.R. ENGLAND (hereinafter referred to as Defendant "ENGLAND") and for a cause of action would respectfully show the Court as follows:

**I. DISCOVERY CONTROL PLAN LEVEL**

Pursuant to Rule 190, discovery in this case will be conducted in Level 3.

**II. PARTIES AND SERVICE**

Plaintiff is a resident of El Paso County, Texas and the last three numbers of Plaintiff CHRIS BRANDON GARCIA's driver's license are 063.

Defendant MONDAY is a resident of Brunswick County, Georgia and may be served with process by serving him at 66 Hornet Dr., Brunswick, Georgia 31525 and/or wherever he may be found.

Defendant ENGLAND is a business entity of unknown form doing business in El Paso County, Texas and may be served with process at 4701 2100 S., Salt Lake City, Utah 84120 and/or wherever they may be found.

### **III. JURISDICTION AND VENUE**

1. The subject matter in controversy is within the jurisdictional limits of this court.
2. This court has jurisdiction over the parties because Plaintiff is a Texas resident.
3. Venue in EL PASO County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this County.

### **IV. FACTS**

The injuries and damages suffered by Plaintiff and made the basis of this action arose out of an occurrence on or about March 11, 2020, in El Paso County, Texas. At such time and place, Plaintiff was parked on the 500 block of Bataan Cir., in El Paso, Texas. Defendant MONDAY, while driving in the course and scope of his employment with Defendant ENGLAND, was traveling Northbound on the 500 block Bataan Cir., when suddenly and without warning, Defendant MONDAY violently collided into Plaintiff's vehicle dragging him and causing Plaintiff's car to strike multiple other parked vehicles. Said occurrence caused serious bodily injuries to Plaintiff's person and significant property damage of Plaintiff's vehicle.

### **V. CAUSES OF ACTION**

#### **A. NEGLIGENCE – DEFENDANT MONDAY**

Defendant MONDAY owed a reasonable degree of care to Plaintiff. Plaintiff alleges that the collision and Plaintiff's damages were proximately caused by the negligence of Defendant

arising from one or more of the following alternative theories of negligence:

1. Failure to drive in a single lane.
2. Driving reckless in violation of Tex. Transp. Code Ann. § 545.401.
3. Failure to use due care in operating a motor vehicle of Tex. Tran. Code §545.351.
4. Failure to keep a proper lookout in violation of Tex. Transp. Code Ann §545.351.
5. Failure to safely apply brakes to avoid an incident.
6. Failure to turn to the left to avoid a collision.
7. Failure to warn of his approach.
8. Failure to pay attention.
9. Failure to take proper evasive action.
10. Failure to use due care and caution under the circumstances then existing.

Each of which acts, or omissions was other than what a reasonable and prudent person would have been doing under the same or similar circumstances. Each of which acts, or omissions was a proximate cause of Plaintiff's damages.

**B. RESPONDEAT SUPERIOR – DEFENDANT C.R. ENGLAND.**

At all times relevant to this action, Defendant MONDAY was in the course and scope of his employment and/or agency with Defendant ENGLAND, thereby making Defendant ENGLAND, vicariously liable under the doctrine of *respondeat superior* for the negligent acts of Defendant MONDAY, described above which singularly or in combination proximately caused the motor vehicle collision and resulting injuries and damages of Plaintiff.

Plaintiffs hereby assert the theory of *respondeat superior* of Defendant ENGLAND and its liability for the negligent and reckless conduct of Defendant MONDAY and/or other employees/agents acting within the course and scope of their employment and/or agency.

Said collision and Plaintiff's damages described above were proximately caused by Defendant ENGLAND's employee/agent's violation of the laws of the State of Texas and of the United States of America, constituting negligence per se. As a result of said negligence described above that proximately caused Plaintiff's damages, Defendant ENGLAND and Defendant MONDAY are liable to Plaintiff.

**C. NEGLIGENCE, HIRING, QUALIFYING, SUPERVISION, ENTRUSTMENT, TRAINING, AND RETENTION – DEFENDANT C.R. ENGLAND.**

At all times relevant to this action, Defendant ENGLAND had certain duties, including those imposed by regulations and other industry standards and practices, in connection with hiring, qualifying, training, entrusting, supervising, and retaining Defendant MONDAY. Defendant ENGLAND was negligent in failing to take reasonable steps to ensure that these duties were met. As a proximate result of their negligence, Plaintiff CHRIS BRANDON GARCIA suffered personal injuries, arising from one or more of the following alternative theories of negligence:

- a. Failing to qualify its drivers as required by the Federal Motor Carrier Safety Act.
- b. That on March 11, 2020, Defendant, ENGLAND was negligent by entrusting the control and operation of the commercial motor vehicle, which was under its control, to Defendant, MONDAY.
- c. Failing to properly train, supervise and educate its drivers.
- d. Failing to properly screen its applicants for driver certification.
- e. Failing to comply with the U.S. Department of Transportation rules and regulations for commercial drivers in permitting Defendant, MONDAY to drive.
- f. Failing to establish and enforce reasonable rules and regulations for qualifying persons to operate its commercial vehicles.
- g. Failure to adequately communicate orders, instructions and directions.
- h. Failure to qualify its drivers in accordance with the Federal Motors Carriers Safety Act.

**VI. DAMAGES**

As a direct and proximate result of the occurrence, Plaintiff suffered bodily injuries. As a further result of the occurrence, Plaintiff has incurred expenses for medical care, attention, and other expenses. These expenses incurred were necessary for the care and treatment of the injuries sustained by Plaintiff, and the charges made and to be made were the usual and customary charges for such services. Plaintiff will require further medical care and attention and will necessarily incur reasonable expenses in the future for such medical needs.

Plaintiff has suffered physical pain and suffering in the past and will continue to suffer physical pain and suffering in the future. Plaintiff has suffered mental pain and anguish in the past

and will continue to suffer mental pain and anguish in the future. As a further result of the occurrence, Plaintiff has suffered emotional distress in the past and will continue to suffer emotional distress in the future. As a result of the occurrence, Plaintiff has suffered and will continue to suffer impairment to his body. Plaintiff has suffered damages within the jurisdictional limits of this Court and requests monetary relief over \$200,000.00 but not to exceed \$1,000,000.00.

#### **VII. DAMAGES TO PERSONAL PROPERTY**

Plaintiff would show that as a direct and proximate result of Defendants' negligence, and each of them, Plaintiff CHRIS BRANDON GARCIA's vehicle was damaged. Plaintiff CHRIS BRANDON GARCIA seeks compensation for his property damage, as well as compensation for the loss of use of his vehicle and compensation for the diminished value of his vehicle.

#### **VIII. PUNITIVE DAMAGES**

Plaintiffs will show that the acts and omissions of Defendants', and each of them, as set forth above was in heedless and reckless disregard for the rights and safety of Plaintiff and showed actual conscious indifference and conscious disregard for the rights and safety of Plaintiff so as to constitute gross negligence and/or malice being a proximate cause of the occurrence and the resulting damages and injuries sustained by Plaintiff. Plaintiff is entitled to punitive damages.

#### **X. PRAYER**

**WHEREFORE PREMISES CONSIDERED**, Plaintiff prays that Defendants be cited to appear and answer, and that on final trial, Plaintiff has judgment against Defendants for all relief requested, for costs, pre-judgment and post judgment interest and for such other relief, general and special, at law or in equity, to which Plaintiff is entitled.

**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY**

Respectfully submitted,

**VICTOR J. BIEGANOWSKI, P.C.**

801 Myrtle Ave., Suite 100

El Paso, Texas 79901

T: 915-264-1800

F: 915-759-4007

[vbieganowski@vjblaw.net](mailto:vbieganowski@vjblaw.net)

By: /s/ Victor J. Bieganowski  
**VICTOR J. BIEGANOWSKI**  
State Bar No. 02301100  
*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

In compliance with the Texas Rule of Civil Procedure 21a(e), I, **VICTOR J. BIEGANOWSKI**, certify that on this 13<sup>th</sup> day of **December, 2021**, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21(f)(1), is served on the party or attorney electronically pursuant to Texas Rule of Civil Procedure 21a(a)(1), or if the email address of the party or attorney is not on file with the electronic filing manager, then service is accomplished pursuant to Texas Rule of Procedure 21a(a)(2). The following parties or attorney are served with the foregoing document:

Darryl S. Vereen  
Mounce, Green, Myers,  
Safi, Paxson & Galatzan  
100 N Stanton #1000  
El Paso, Texas 79901  
TEL: 915-532-2000  
FAX: 915-541-1597  
[vereen@mgmsg.com](mailto:vereen@mgmsg.com)  
*Attorney for Defendant*  
*C.R. England*

/s/ Victor J. Bieganowski  
**VICTOR J. BIEGANOWSKI**



**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Samuel Ortiz on behalf of Victor Bieganowski  
 Bar No. 2301100  
 sortiz@vjblaw.net  
 Envelope ID: 59971500  
 Status as of 12/13/2021 2:07 PM MST

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	12/13/2021 2:02:51 PM	SENT

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	12/13/2021 2:02:51 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	12/13/2021 2:02:51 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	12/13/2021 2:02:51 PM	SENT
Mario Yague Rios	24122235	yague@mgmsg.com	12/13/2021 2:02:51 PM	SENT
Cal Mundell		mundell@mgmsg.com	12/13/2021 2:02:51 PM	SENT
Stella Wilcox		ewilcox@mgmsg.com	12/13/2021 2:02:51 PM	ERROR

IN THE COUNTY COURT AT LAW NUMBER SIX

EL PASO COUNTY, TEXAS

CHRIS BRANDON GARCIA,

Plaintiff,

v.

MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND,

Defendants.

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Cause No. 2021DCV3497

**NOTICE OF FILING RULE 11 AGREEMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

**COME NOW**, C.R. ENGLAND, a Defendant in the above-entitled and numbered cause,  
and would provide this their Notice of Filing Rule 11 Agreement and would show as follows:

I.

This Notice is filed pursuant to Rule 11 of the Texas Rules of Civil Procedure.

II.

Attached hereto as Exhibit 1 is a true and correct copy of a Rule 11 Agreement affecting  
discovery.

**WHEREFORE, PREMISES CONSIDERED**, Defendants respectfully pray that the  
Court and all parties take notice of the filing of the above-referenced Rule 11 agreement, and that  
the Court enforce the same pursuant to Texas Rules of Civil Procedure, and grant Defendants such  
other and further relief, general or special, legal or equitable, to which Defendants may be justly  
entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS  
SAFI, PAXSON & GALATZAN, P.C.**  
P.O. Drawer 1977  
El Paso, Texas 79999-1977  
Phone: (915) 532-2000  
Fax: (915) 541-1597  
E-Mail: [vereen@mgmsg.com](mailto:vereen@mgmsg.com)  
E-Mail: [mundell@mgmsg.com](mailto:mundell@mgmsg.com)

By: 

**Darryl S. Vereen**

State Bar No. 00785148

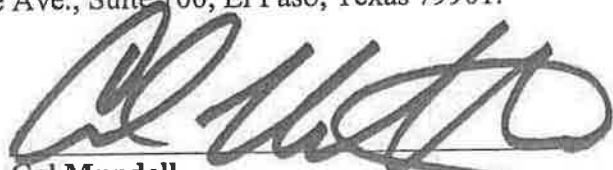
**Cal Mundell**

State Bar No. 24109059

Attorneys for Defendant C.R. England

**CERTIFICATE OF SERVICE**

I, Cal Mundell, hereby certify that on the 7 day of January, 2022, a true and correct copy of the foregoing was served on the following parties or attorney(s): Victor J. Bieganski, Esq., [vbieganski@vjblaw.net](mailto:vbieganski@vjblaw.net), 801 Myrtle Ave., Suite 100, El Paso, Texas 79901.

  
**Cal Mundell**



MOUNCE, GREEN, MYERS,  
SAFI, PAXSON & GALATZAN  
A PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS AT LAW  
100 N STANTON ST.  
SUITE 1000  
EL PASO, TEXAS 79901-1448  
(915) 532-2000

CAL MUNDELL  
Attorney and Counselor at Law

MAILING ADDRESS:  
P.O. BOX 1977  
EL PASO, TEXAS 79999-1977  
FACSIMILE (915) 541-1597  
mundell@mgmag.com

January 6, 2022

Via email: vbieganowski@vjblaw.net  
Victor J. Bieganowski, Esq.  
801 Myrtle Avenue, Suite 100  
El Paso, Texas 79901

Re: *Chris Brandon Garcia vs. Marquis Dequan Monday and C.R. England*; Cause No. 2021DCV3497; In the County Court at Law 6 of El Paso County, Texas

Dear Mr. Bieganowski:

This letter will confirm your agreement to extend Defendant's time to respond and object to Plaintiff's Request for Admissions, First Set of Interrogatories and Request for Production. With your agreement, Defendant's objections and responses will be due Friday, January 21, 2022.

To confirm your agreement, please sign below and return same to our office. We will file the written agreement pursuant to Texas Rule of Civil Procedure 11.

Very truly yours,



Cal Mundell

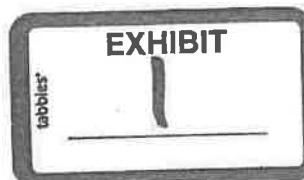
BCM/esw



Victor J. Bieganowski  
Attorney for Plaintiff

Date: 1-07-22

0010073-00112/CMUN/1655215



**Automated Certificate of eService**

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Estella Wilcox on behalf of Cal Mundell  
 Bar No. 24109059  
 ewilcox@mgmsg.com  
 Envelope ID: 60626315  
 Status as of 1/10/2022 8:21 AM MST

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	1/7/2022 3:55:46 PM	SENT

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	1/7/2022 3:55:46 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	1/7/2022 3:55:46 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	1/7/2022 3:55:46 PM	SENT
Mario Yague Rios	24122235	yague@mgmsg.com	1/7/2022 3:55:46 PM	SENT
Cal Mundell		mundell@mgmsg.com	1/7/2022 3:55:46 PM	SENT
Stella Wilcox		ewilcox@mgmsg.com	1/7/2022 3:55:46 PM	ERROR

**IN THE COUNTY COURT AT LAW NUMBER SIX  
EL PASO COUNTY, TEXAS**

CHRIS BRANDON GARCIA,

**Plaintiff,**

**v.**

MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND,

**Defendants.**

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**Cause No. 2021DCV3497**

**PLAINTIFF'S CERTIFICATE OF WRITTEN DISCOVERY**

Plaintiff, **CHRIS BRANDON GARCIA**, files this Certificate of Written Discovery Directed to the Defendant, **C.R. ENGLAND**, pursuant to the applicable local rule and states that the Plaintiff's Discovery Answers set forth below were served upon the following party on **January 18, 2022**:

**C.R. ENGLAND**, by and through their attorney of record, Darryl S. Vereen, Mounce, Green, Myers, Safi, Paxson & Galatzan, 100 N Stanton #1000, El Paso, Texas 79901.

**Discovery Served**

1. Plaintiff's Responses to First Set of Interrogatories
2. Plaintiff's Responses to Request for Production
3. Plaintiff's Responses to Request for Admission

Respectfully submitted,

**BIEGANOWSKI LAW GROUP**

801 Myrtle Ave., Suite 100

El Paso, Texas 79901

T: 915-264-1800

F: 915-759-4007

[vbieganowski@vjblaw.net](mailto:vbieganowski@vjblaw.net)

By: /s/ Victor J. Bieganowski  
**VICTOR J. BIEGANOWSKI**  
State Bar No. 02301100  
**JOSHUA J. BIEGANOWSKI**  
State Bar No. 24126829  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

In compliance with the Texas Rule of Civil Procedure 21a(e), I, **VICTOR J. BIEGANOWSKI**, certify that on this **18<sup>th</sup>** day of **January, 2022**, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21(f)(1), is served on the party or attorney electronically pursuant to Texas Rule of Civil Procedure 21a(a)(1), or if the email address of the party or attorney is not on file with the electronic filing manager, then service is accomplished pursuant to Texas Rule of Procedure 21a(a)(2). The following parties or attorney are served with the foregoing document:

Darryl S. Vereen  
Mounce, Green, Myers,  
Safi, Paxson & Galatzan  
100 N Stanton #1000  
El Paso, Texas 79901  
TEL: 915-532-2000  
FAX: 915-541-1597  
[vereen@mgmsg.com](mailto:vereen@mgmsg.com)  
*Attorney for Defendant*  
*C.R. England*

/s/ Victor J. Bieganowski  
**VICTOR J. BIEGANOWSKI**



**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 60905930

Status as of 1/18/2022 2:38 PM MST

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	1/18/2022 12:57:41 PM	SENT

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	1/18/2022 12:57:41 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	1/18/2022 12:57:41 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	1/18/2022 12:57:41 PM	SENT
Mario Yague Rios	24122235	yague@mgmsg.com	1/18/2022 12:57:41 PM	SENT
Cal Mundell		mundell@mgmsg.com	1/18/2022 12:57:41 PM	SENT
Stella Wilcox		ewilcox@mgmsg.com	1/18/2022 12:57:41 PM	ERROR

IN THE COUNTY COURT AT LAW NUMBER SIX  
EL PASO COUNTY, TEXAS

CHRIS BRANDON GARCIA,

Plaintiff,

v.

MARQUIS DEQUAN MONDAY and  
C.R. ENGLAND,

Defendants.

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Cause No. 2021DCV3497

**CERTIFICATE OF WRITTEN DISCOVERY**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW C.R. ENGLAND, a Defendant in the above-entitled and numbered cause, and submits its Certificate of Written Discovery regarding the following written discovery responses:

1. Defendant C.R. England's Objections and Answers to Plaintiff's Interrogatories; and
2. Defendant C.R. England's Objections and Responses to Plaintiff's First Set of Requests for Production.

**WHEREFORE PREMISES CONSIDERED,** Defendant respectfully prays that the Court and all parties take notice of the above and foregoing Certificate, and service of the above-referenced discovery responses, and that the Court grant Defendant such other and further relief, general or special, legal or equitable, to which Defendant may be justly entitled.

Respectfully submitted,

**MOUNCE, GREEN, MYERS  
SAFI, PAXSON & GALATZAN, P.C.**  
P.O. Drawer 1977  
El Paso, Texas 79999-1977  
Phone: (915) 532-2000  
Fax: (915) 541-1597  
E-Mail: [vereen@mgmsg.com](mailto:vereen@mgmsg.com)  
E-Mail: [mundell@mgmsg.com](mailto:mundell@mgmsg.com)

By: 

**Darryl S. Vereen**  
State Bar No. 00785148  
**Cal Mundell**  
State Bar No. 24109059

Attorneys for Defendant C.R. England

**CERTIFICATE OF SERVICE**

In compliance with Texas Rule of Civil Procedure 21a (e), I, **Cal Mundell**, hereby certify that on the 20 day of January, 2022, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21a (f)(1) is served on the following parties or attorney(s): Victor J. Bieganowski, Esq., [vbieganowski@vjblaw.net](mailto:vbieganowski@vjblaw.net), 801 Myrtle Ave., Suite 100, El Paso, Texas 79901.

  
**Cal Mundell**

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Estella Wilcox on behalf of Cal Mundell  
 Bar No. 24109059  
 ewilcox@mgmsg.com  
 Envelope ID: 60987098  
 Status as of 1/20/2022 4:37 PM MST

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	1/20/2022 10:58:45 AM	SENT

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	1/20/2022 10:58:45 AM	SENT
Yolanda Pearson		ypearson@mgmsg.com	1/20/2022 10:58:45 AM	SENT
Isabel Olivares		iolivares@mgmsg.com	1/20/2022 10:58:45 AM	SENT
Mario Yague Rios	24122235	yague@mgmsg.com	1/20/2022 10:58:45 AM	SENT
Cal Mundell		mundell@mgmsg.com	1/20/2022 10:58:45 AM	SENT
Stella Wilcox		ewilcox@mgmsg.com	1/20/2022 10:58:45 AM	ERROR



Respectfully submitted,

**BIEGANOWSKI LAW GROUP**

801 Myrtle Ave., Suite 100

El Paso, Texas 79901

T: 915-264-1800

F: 915-759-4007

[vbieganowski@vjblaw.net](mailto:vbieganowski@vjblaw.net)

By: /s/ Victor J. Bieganowski  
**VICTOR J. BIEGANOWSKI**  
State Bar No. 02301100  
**JOSHUA J. BIEGANOWSKI**  
State Bar No. 24126829  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

In compliance with the Texas Rule of Civil Procedure 21a(e), I, **VICTOR J. BIEGANOWSKI**, certify that on this **25<sup>th</sup>** day of **January, 2022**, a true and correct copy of the foregoing document filed electronically with the clerk of the court in accordance with Texas Rule of Civil Procedure 21(f)(1), is served on the party or attorney electronically pursuant to Texas Rule of Civil Procedure 21a(a)(1), or if the email address of the party or attorney is not on file with the electronic filing manager, then service is accomplished pursuant to Texas Rule of Procedure 21a(a)(2). The following parties or attorney are served with the foregoing document:

Darryl S. Vereen  
Mounce, Green, Myers,  
Safi, Paxson & Galatzan  
100 N Stanton #1000  
El Paso, Texas 79901  
TEL: 915-532-2000  
FAX: 915-541-1597  
[vereen@mgmsg.com](mailto:vereen@mgmsg.com)  
*Attorney for Defendant*  
*C.R. England*

/s/ Victor J. Bieganowski  
**VICTOR J. BIEGANOWSKI**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jennifer Jimenez on behalf of Victor Bieganowski  
 Bar No. 2301100  
 jjimenez@vjblaw.net  
 Envelope ID: 61126230  
 Status as of 1/25/2022 4:46 PM MST

Associated Case Party: ChrisBrandonGarcia

Name	BarNumber	Email	TimestampSubmitted	Status
Victor Bieganowski		vbieganowski@vjblaw.net	1/25/2022 12:08:27 PM	SENT

Associated Case Party: C.R. England

Name	BarNumber	Email	TimestampSubmitted	Status
Darryl S.Vereen		vereen@mgmsg.com	1/25/2022 12:08:27 PM	SENT
Yolanda Pearson		ypearson@mgmsg.com	1/25/2022 12:08:27 PM	SENT
Isabel Olivares		iolivares@mgmsg.com	1/25/2022 12:08:27 PM	SENT
Mario Yague Rios	24122235	yague@mgmsg.com	1/25/2022 12:08:27 PM	SENT
Cal Mundell		mundell@mgmsg.com	1/25/2022 12:08:27 PM	SENT
Stella Wilcox		ewilcox@mgmsg.com	1/25/2022 12:08:27 PM	ERROR